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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

19 IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

JOINT DISCOVERY STATUS REPORT

21 THIS DOCUMENT RELATES TO:

22 || ALL ACTIONS

23

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25 Pursuant to the Court's April 1, 2013 Case Management Order (Dkt. 380), the parties
26 submit this joint discovery status report.

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1 **I. Status of Discovery**

2 Since the April 5, 2013 Joint Discovery Status Report, the following depositions have
3 taken place:

4 • Paul Schreiber (former Apple) on April 6, 2013.
5 • Robert Mansfield (Apple) on April 11, 2013.

6 The following are the dates of outstanding depositions that have been or are being
7 scheduled:

8 • Sheryl Sandberg (former Google).

9 Since April 5, 2013 Joint Discovery Status Report, Defendants have collectively produced
10 a small number of documents.¹

11 **II. Salary Range and/or Market Reference Guideline**

12 On February 22, 2013, Plaintiffs asked each Defendant to confirm that it had produced all
13 compensation materials in response to Plaintiffs' Requests for Production of Documents. For
14 instance, Request for Production No. 20 in Plaintiffs' First Request for Production of Documents,
15 propounded on October 3, 2011, called for "All documents concerning any method, formula,
16 policy, practice, or calculation you . . . used for determining compensation of employees."
17 Defendants' salary ranges fall squarely within the call of Plaintiffs' request. All Defendants have
18 long confirmed that their production of compensation materials was complete. However, at the
19 close of discovery, Plaintiffs became concerned that certain Defendants had not completed their
20 production in this area. Specifically, deposition testimony indicated that each Defendant used
21 salary ranges and/or market reference guidelines associated with the employee job titles/codes
22 included in the proposed class to inform their compensation decisions. Plaintiffs remain
23 uncertain as to whether all Defendants have produced this information for each year in the
24 discovery period.

25 During the April 8, 2013 Case Management Conference, counsel for Adobe, Apple, Intel,
26 Intuit, Lucasfilm, and Pixar agreed to confirm that they have produced documents sufficient to
27 show their salary and/or market ranges during the discovery period. Google had already

28 ¹ For example, Pixar produced four documents, consisting of 400 pages.

1 confirmed its production prior to the Case Management Conference. Adobe did so on April 9,
 2 2013.

3 Apple: On April 10, 2013, Plaintiffs' counsel asked Apple to either produce its salary
 4 ranges for all class job titles and/or codes during the discovery period, or to indicate where in
 5 their production Apple had already done so. The same day, counsel for Apple informed Plaintiffs
 6 that Apple has produced documents reflecting its recommended salary ranges. However, the
 7 documents that Apple pointed to are partial examples of salary range data, rather than the
 8 comprehensive sets of salary range data that Plaintiffs requested. On April 12, 2013, Plaintiffs'
 9 counsel again wrote to Apple to clarify that Plaintiffs seek salary ranges for all class job titles
 10 and/or codes during the discovery period. Later on April 12, Apple indicated that it had produced
 11 documents reflecting recommended salary ranges throughout the class period and identified those
 12 documents by Bates number. Plaintiffs are in the process of reviewing these documents and
 13 discussing with Apple whether production in response to their request is complete.

14 Intel: On April 10, 2013, Plaintiffs' counsel asked Intel to either produce its salary ranges
 15 for all class job titles and/or codes during the discovery period, or to indicate where in their
 16 production Intel had already done so. Intel responded on April 12, 2013 that it had produced
 17 salary range data for the class period in a single file. Plaintiffs and Intel will continue to meet and
 18 confer on the question of whether that file contains the Intel job code-specific information that
 19 Plaintiffs seek.

20 Intuit: On April 8, 2013, Plaintiffs' counsel asked Intuit to either produce its market data
 21 reference points associated with Intuit job titles and/or codes during the discovery period, or to
 22 indicate where in their production Intuit had already done so. Intuit's counsel is still investigating
 23 whether Intuit maintains this information for the class period.

24 Lucasfilm: On April 10, 2013, Plaintiffs' counsel asked Lucasfilm to either produce its
 25 salary ranges for all class job titles and/or codes during the discovery period, or to indicate where
 26 in their production Lucasfilm had already done so. Lucasfilm responded, pointing to several
 27 salary range-related documents and producing one additional document. Plaintiffs and Lucasfilm
 28

1 will continue to meet and confer on the question of whether that file contains the complete
 2 information that Plaintiffs seek.

3 Pixar: Plaintiffs and Pixar are engaged in an on-going meet and confer regarding Pixar's
 4 internal use of market salary range data. Pixar identified sample documents already produced that
 5 correlate external market data with Pixar's own job codes and/or titles. Plaintiffs have asked
 6 Pixar to confirm that it has produced all such documents.

7

8 **III. Steve Jobs Apple Town Hall Materials**

9 Plaintiffs have learned that during the time Steve Jobs was Apple CEO, Steve Jobs
 10 conducted company-wide internal meetings or assemblies that were sometimes referred to as a
 11 "Town Hall." Plaintiffs have learned that during some of the meetings, Steve Jobs and others
 12 from Apple discussed certain issues relevant to this case, including but not limited to policies or
 13 philosophies regarding recruiting and compensation, Jobs' personal involvement in recruiting
 14 matters, as well as discussions of business dealings, collaborations and other relationships
 15 between Apple and other companies, including Defendants. Plaintiffs have asked Apple to
 16 produce records (including transcripts, video, and audio) of such meetings, to the extent they have
 17 not been produced. Apple and Plaintiffs are discussing these matters. Apple has produced the
 18 transcript from its January 28, 2010 town hall meeting at Plaintiffs' request and has agreed to
 19 search for and produce additional responsive materials regarding these meetings.

20 Plaintiffs have also asked to schedule the deposition of Phil Schiller, a senior Apple
 21 Executive, whom they believe was personally involved in the communications which gave rise to
 22 the May 2005 email communication between Steve Jobs and Bruce Chizen (Adobe's CEO)
 23 memorializing an agreement between the two companies. Apple and Plaintiffs are discussing
 24 this. Apple believes this request is untimely and improper, but is meeting and conferring with
 25 Plaintiffs to see if this issue can be resolved.

26 **IV. Google "inyourfacebook" Documents**

27 Google has completed a search for materials related to this site and will be producing
 28 additional related documents next week.

V. Discovery Status Reports

Plaintiffs respectfully submit that the parties should continue to provide the Court with weekly discovery status reports until the aforementioned discovery issues are resolved.

Respectfully submitted,

Dated: April 12, 2013

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8 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in
9 the filing of this document has been obtained from all signatories.

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